

MINUTES
BOARD OF SELECTMENT MEETING
November 7, 2018
5:30 pm at the Town Office

Members: Roberta Mayer, Chairperson; Ronn Orenstein, Vice-Chairperson; Mark Hagar, Amy Leshure, and Louis Abbotoni.

Members Absent: None

Staff Present: Matt Lutkus, Town Manager; Cheryl Pinkham, Treasurer; Karen O'Bryan, video recorder; Lynda Letteney, Recording Secretary

Others Present: Anne Pinkham, Haas Tobey, Jessica Picard, Lincoln County News

I. Pledge of Allegiance

II. Call to Order

Chairperson Mayer called the meeting to order at 5:30 p.m.

III. Minutes of Previous Meeting(s)

On motion (Mayer/Abbotoni) to approve the October 4th and October 17th minutes as distributed. **Vote: 5-0-0**

IV. Financial Reports

On motion (Mayer/Abbotoni) to approve Payroll Warrants #21 and #22 **Vote: 5-0-0**

On motion (Mayer/Leshure) to approve Accounts Payable Warrant #23 for the Elm Street Project
Vote: 4-0-1
(Hagar abstaining)

Accounts Payable Warrant #24, regarding the postage meter, raised questions about the most cost effective way to cover town postage. The current contract is coming due and **Cheryl Pinkham** said she would explore other options. Currently the town uses a Pitney-Bowes meter and scale at the annual cost of \$720 for machine lease plus cost of postage.

On motion (Mayer/Abbotoni) to approve Accounts Payable Warrant #24 **Vote: 5-0-0**

At this point in the meeting **Chairperson Mayer** requested an adjustment to the agenda so that **Mrs. Pinkham** could be present for her items on the agenda and go home.

On motion (Mayer/Abbotoni) to move up items VII-5 and VIII-1 to be first on agenda **Vote: 5-0-0**

VII-5. Town Treasurer Certification

The town received official notification that **Cheryl Pinkham** has completed all course work to be a Certified Treasurer as certified by The Maine Municipal Collectors' and Treasurers' Association. She will be recognized for receiving this certification at the annual MMTCTA Conference on May 16, 2019,

as well as in the MMTCTA newsletter *Dollar\$ and Sense*. The Board acknowledged this accomplishment and thanked her for her “above and beyond” effort.

VIII-1 Town Banking

The Board had previously authorized **Matt Lutkus** to check with local banks to see if the town could do better on interest rates on all accounts. Currently banking is done with Camden National Bank and there is interest on sweep accounts. A committee of three (Amy Leshure, a financial advisor and one other) met with all five local banks to explore options. Current checking account runs between \$750K and \$3 million and there is not much interest gained on this (0.5% -2%) Banks were willing to give us more, on all accounts, not just “sweep” accounts. All proposals discussions were started in August, with First Federal declining participation. Last month all banks were contacted again for updates on interest rates’

First National Bank: Will offer 1.95% on all money with a three year contract. Alternatives: 2.07% adjusted monthly; or 2.25% fixed for 6 months and renegotiable every six months. (tied to the one month Lieber Index which increases [decreases] with the Federal Rate.)

First Federal Savings: Declined to participate

Damariscotta Bank & Trust (DB&T): Will offer 0.25% over the New York Federal Rate (above 2%). Currently at 2.44%.

Camden National Bank: Will offer 0.75% on mandatory accounts and 1.75% on all other accounts. The .75% is a jump from .65%; all other accounts have been at 0.5% or less for the last three years.

Bath Savings Bank: Will not offer specific rates as they follow the federal rate. There are significant maintenance fees tied to these accounts.

The Financial Advisory Council for the Town recommended a waiver of bid requirements specifically because of changing rates and the time involved.

Recommendation was to go with DB&T. **Mark Hagar** asked if we could get a three year agreement with them. **Chairperson Mayer** reminded the Board that all banks were local which follows the town’s commitment to doing business in town. **Matt Lutkus** stated the timeframe was slated to begin the first business day of January. Ronn Orenstein also suggested trying to get a waiver on the automatic deposit fees.

On motion (Mayer/Hagar) to waive the charter for a bid requirement and authorize Matt Lutkus to negotiate with DB&T for a three year agreement. **Vote: 5-0-0**

V. Presentations - None

VI. Citizen comments and General Correspondence - None

VII. Town Manager’s Items

1. November 6 General Election/Special Town Meeting Results/Follow-Up

A. The plastic bag ordinance referendum **passed** 692-509. This will take effect March 1,

2019. A letter will be sent to all businesses apprising them of the vote and their responsibilities. At first, a “soft” approach will be used as far as enforcement and see how it goes.

B. Moratorium on Medical Marijuana Stores failed 567-624. This means that a request to open a medical marijuana store prior to December 13th is allowed without zoning and licensing requirements. After that date, state guidelines are in place and a moratorium is in effect until state statutes and local ordinances are in place.

C & D. The Adult Use of Recreational Marijuana and the Medical Marijuana Establishment referendum both **passed**. This means the town will need to hold community conversations and public hearings in January, The Board will schedule a public hearing on January 2, 2019, at 5:30 p.m. prior to the regularly scheduled Board meeting. Both topics (Adult Use and Medical Marijuana Establishments) will be on the agenda. The opt-in provisions do not go into effect until state statutes and local ordinances are in place. There is no opt-in period for recreational use. So, after December 13th no new businesses in these categories can open until state finalizes regulations. There is a flow chart available to visually see the process. Town Attorney, Amanda Meader has a draft ordinance ready, awaiting specifics.

Chairperson Mayer offered congratulations to those who won and offered kudos to all those who ran and volunteered.

2. Second Board meeting of the Month:

The second Board of Selectmen’s meeting will be held November 28, 2018 at 5:30 p.m. to avoid conflicts with Thanksgiving holiday preparations.

3. 435 Main Street Litigation Update

The judge found in favor of the town, agreeing with the Planning Board, and the Board of Appeals. The plaintiffs have 21 days to appeal to the Supreme Court of Maine (November 23, 2018). The developer is pleased.

4. Bristol Road sidewalk Project

The estimate for the project is \$ 735,000. The town has the 20% in escrow. Completion date is estimated at June 30, 2019 with a back-up date of July 4th. Discussion ensued about “early completion bonuses” versus penalties for not meeting the deadline. Either way, there is no money in the project for these. The state has committed 100K toward this project. Wright-Pierce has an engineering design contract with the Town, but it does not cover RFP oversight/review. Proposals must be in by November 28, 2018. The Town is in the process of asking for advice on whom to choose as the on-site inspector. Because of federal funds, as well as state funds, and local monies, this is a highly regulated project. The state provides a qualified list of inspectors, but Wright-Pierce is not on the list.

Through e-mail, the issue of a second crosswalk was raised. Since it was not figured into the original process, to add it now would reset the clock on the project. **Matt Lutkus** has proposed adding it to next year’s capital budget to avoid delay on the project. **Chairperson Mayer** asked about the High Street crossing in relation to being ADA accessible. Again, any changes restart the clock. Since we don’t know if High Street is the right place, a traffic engineer’s appraisal is needed. **Mr. Lutkus** again felt this would be better addressed by local/state/ monies after the project. **Chairperson Mayer** stated that it was very nice to hear the town got the grant.

6. Ordinance Review Workshop:

There will be a presentation on ordinance development using form-based concepts, on November 15, 2018, from 4:00 p.m. to 7:00 p.m. at the Topsham Library. The cost is \$20 and the town will cover registration for those who want to go. Let Matt know and car-pooling will be arranged.

VIII. Official Action Items

1A. Day before Thanksgiving:

Mr. Lutkus asked for the office staff to be released and town offices to close at 3:00 pm on the day before Thanksgiving (usually open until 5:30 p.m.).

On motion (Mayer/Abbotoni) to have the town offices close at 3:00 p.m. Wednesday, November 21, 2018. **Vote: 5-0-0**

2. Bids for Downtown Restroom Construction

Only 3 bids were received. All were considerably higher than the \$300,000 that the town currently has set aside for restroom and sidewalk construction. (Doten's Construction, \$774,620; T-Buck Construction, \$647,524; Bruce Laukka, Inc., \$525,352.85). **Mr. Lutkus** recommended rejecting all three bids and exploring other options.

Earlier this week **Mr. Lutkus** met with the restroom construction committee to discuss 4 other options.

1. Purchase a pre-fab modular building that would be constructed elsewhere, trucked to Damariscotta and placed on the Town's site. We would bid out the site preparation and foundation work separately.

2. Having the town act as its own general contractor, working directly with subcontractors.

3. Work with The Restroom Company, a firm based in Nevada that specializes in pre-fab public buildings. They will be providing a cost estimate for delivery of a restroom to the Town's site. The committee's discussion with a representative from this company included a compatible plan to the one the Town had included in its bid specifications. The Town can add options to the basic design. This can be as close to the Philips design plan as possible. If chosen, we do the piling, foundation, etc. Transportation would be \$21,000; building weight is about 90,000 pounds. An estimate will be available soon. It was mentioned that as long as the building looks like Damariscotta, it is worth exploring. It was also mentioned that pre-fab buildings have come a long way.

4. Have Mr. Lutkus, on the Town's behalf, negotiate a contract with either firms that submitted bids or did not make a proposal. The town attorney is reviewing this option.

Section 5.10 C of the Town Charter gives the Board the latitude to accept or reject all bids. A statement to this effect was included in the bid advertisements and the Requests for Proposals.

On motion (Abbotoni/Hagar) to reject all three bids and explore other options. **Vote: 5-0-0**

3. Donations for Upgrades to Town Clock

Rob Gregory, the town clock winder, has made a \$15,000 donation to the Town to purchase a remote winder for the clock. Money for clock maintenance is in the town budget.

On motion (Abbotoni/Hagar) to accept the gift from Rob Gregory for a remote winder for the clock.

Vote: 5-0-0

4. Donation from the Edward and Julia Myers Marine Conservation Fund

Proceeds from the Oyster Festival go to this fund. This year they would like to make a \$1,000 donation to establish a remote security system for the public dock.

On motion (Abbotoni/Leshure) to accept the donation of \$21,000 to procure a remote security system for the public dock area.

Vote: 5-0-0

IX. Selectmen's Discussion Items –

Chairperson Mayer wished to comment on the sidewalk additions at Great Salt Bay School, saying how nice they looked and what a nice safety addition in that area. Also, Trunk or Treat was a great success and she offered praise to Great Salt Bay School, YMCA, the Damariscotta Police Department and the DRA (Damariscotta River Association).

X. Adjournment

On motion (Hagar/Abbotoni) meeting was adjourned at 6:33 p.m.

Vote: 5-0-0

Respectfully submitted,

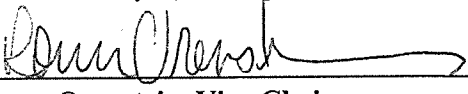
Lynda L. Letteney
Recording Secretary

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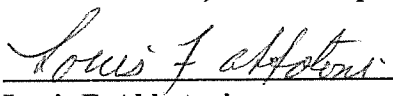
We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Board of Selectmen meeting.



Roberta Mayer, Chairperson




Ronn Orenstein, Vice-Chairperson



Louis F. Abbotoni



Mark Hagar



Amy Leshure

Town of Damariscotta, Board of Selectmen, signed this date: _____

